

RECEIVED
CENTRAL FAX CENTER

AUG 15 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/733847
Applicant : Liang C. Dong
Filed : 2000-12-08
Art Unit : 1615
Examiner : Retford O. Berko

Confirmation No. 2029

Docket No. : ARC2644R1
Title : Antiviral Medication

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION TO RESET A PERIOD FOR REPLY DUE TO LATE RECEIPT OF AN
OFFICE ACTION

Applicant hereby petitions that the period for reply to the Office action having a mail date of April 5, 2005, be reset due to late receipt of the Office action.

According to MPEP 710.06(I), the Office will grant a petition to restart the previously set period for reply to an Office Action to run from the date of receipt of the Office action at the correspondence address when the following criteria are met:

- A. The petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address;
- B. a substantial portion of the set reply period had elapsed on the date of receipt; and
- C. the petition includes evidence showing the date of receipt of the Office action at the correspondence address.

With respect to criteria A, the Office action was received on July 29, 2005. This petition is being filed on August 15, 2005, which is just outside of 2 weeks of the date of receipt of the Office action. The undersigned only became aware on August 15, 2005, of the two-week criteria for filing a petition to reset the period for reply. However, as outlined below, the undersigned promptly took action on rectifying the late receipt of the Office action:

The undersigned called Examiner Berko the week following July 29, 2005, to determine the procedure for resetting the period for reply. Examiner Berko was not aware of the procedure

Serial Number: 09/733847
Docket No.: ARC2644R1

Page 2

for resetting the period for reply but promised to call the undersigned back as soon as he found out. During a follow-up call to Examiner Berko, Examiner Berko promised to contact personnel who would be able to handle a request to reset the period for reply.

Not hearing from Examiner Berko, the undersigned subsequently called Examiner Berko's supervisor, Thurman K. Page, around August 11, 2005, and left a voice mail with a request to discuss how to proceed with resetting the period for reply due to late receipt of the Office action. The call was not returned. Another call to Supervisor Page on August 15, 2005, revealed that Supervisor Page would not be in the office on August 15, 2005, and August 16, 2005, but that Examiner Neil Levy could be contacted with questions.

The undersigned contacted Examiner Neil Levy, who then advised the undersigned to send in a paper request to reset the period for reply.

With respect to criteria B, the three-month period for replying to the Office action, which was July 5, 2005, had elapsed on the date of receipt of the Office action, which was July 29, 2005.

With respect to criteria C, enclosed please find a front page of the Office action bearing a date stamp with the date the Office action was received at the correspondence address of record. The date of receipt of the Office action at the correspondence address was July 29, 2005.

Because the period for reply had elapsed before receipt of the Office action, the Applicant is entitled to restarting of the previously set period for reply to the Office action to run from the date of receipt of the Office action at the correspondence address, which is July 29, 2005.

Favorable action on this petition is respectfully requested. Please apply any fees required for filing of this petition to Deposit Account No. 50-3202.

Respectfully submitted,

Date: 8/15/05

Adenike A. Adebisi
Adenike A. Adebisi
Reg. No. 42,254
Tel.: (281) 440-1712



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,847	12/08/2000	Liang C. Dong	ARC 2644 R1	2029

7590 04/05/2005
Samuel E Webb
Alza Corporation
c/o Johnson & Johnson
One Johnson & Johnson Plaza WH3321
New Brunswick, NJ 08933

RECEIVED

JUL 29 2005

J&J PAT. DKT. SECTION

EXAMINER

BERKO, RETFORD O

ART UNIT PAPER NUMBER

1615

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*Final**6-05-2005 2mo.**7-05-2005 3mo.**10-05-2005 6mo.*